

REMARKS

Claims 1 through 9 and 17 through 23 remain pending in the application. In response to the Office Action dated October 4, 2004, independent claims 1, 2, 5, 17 and 20 have been amended. Care has been taken to avoid the introduction of new matter. Favorable reconsideration and allowance are respectfully solicited.

Objection has been made to claim 1 for the presence of the word “on” at line 8. In response, claim 8 has been amended to delete the word “on.” Withdrawal of the objection is respectfully solicited.

Claims 1 through 9 and 17 through 23 have been rejected under 35 U. S. C. § 103(a) as being unpatentable over Yano, of record, in view of newly cited U.S. patent 5,822,450 (Arakawa). Arakawa has been relied upon for disclosing the feature of performing framing, a feature lacking in Yano. It was concluded that in light of the Arakawa, it would have been obvious to modify the Yano method to include this feature.

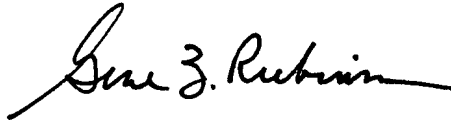
While Applicant is not in agreement with this conclusion, each of the independent claims has been further amended to include a further patentable distinction. Each of claims 1, 2, 5, 17 and 20 now requires changing a posture of the image as the three-dimensional data for specifying unmeasured portions. This feature corresponds to the description in line 8 and subsequent lines, of page 15 in the specification. As disclosed therein, the user can rotate, or change the posture of the object shape data or zoom the same so that the guide image becomes the state viewed from a desired direction. It is submitted that none of the references of record teaches this feature. It is submitted,

therefore, that claims 1 through 9 and 17 through 23 are patentably distinguishable at least for this requirement.

Accordingly, withdrawal of the objection and rejection, and allowance of the application, are respectfully solicited. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Gene Z. Robinson", with a long horizontal flourish extending to the right.

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